



Terry Tamminen  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Los Angeles Region

Over 50 Years Serving Coastal Los Angeles and Ventura Counties  
Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful



Arnold Schwarzenegger  
Governor

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swrcb.ca.gov/rwqcb4>

Mr. Ronald M. Bundy  
I Technology Park  
BLDG. J-725  
Irvine, CA 92618

**WATER QUALITY CERTIFICATION FOR PROPOSED BIOLA UNIVERSITY -  
EMBANKMENT STABILIZATION PROJECT (Corps' Project No. 2004-00375-1-  
KW), LA MIRADA CREEK, CITY OF LA MIRADA, LOS ANGELES COUNTY  
(File No. 04-139)**

Dear Mr. Bundy:

Regional Board staff has reviewed your request on behalf of Biola University (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 1, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

[Original Signed by]  
Jonathan Bishop  
Executive Officer

November 8, 2004  
Date

### California Environmental Protection Agency

\*\*\*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption\*\*\*  
\*\*\*For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>\*\*\*



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

## **DISTRIBUTION LIST**

Ronald M. Bundy, P.E.  
I Technology Park  
BLDG. J-725  
Irvine, CA 92618

Oscar Balaguer  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
Sacramento, CA 94244-2130

Donna Cobb  
California Department of Fish and Game  
Streambed Alteration Team  
4949 View Ridge Avenue  
San Diego, CA 92123

Kenneth Wong  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Steven John  
U.S. Environmental Protection Agency  
c/o U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Tim Vendlinski  
Supervisor, Wetlands Regulatory Office (WTR-8)  
US EPA, Region 9  
75 Hawthorne  
San Francisco, CA 94105

Ken Berg  
U.S. Fish and Wildlife Service  
6010 Hidden Valley Road  
Carlsbad, CA 92009

## ATTACHMENT A

### Project Information

File No. **04-139**

1. Applicant: Biola University  
13800 Biola Ave.  
La Mirada, CA 90639  
  
Phone: (562) 903-4790      Fax: (562) 906-4518
2. Applicant's Agent: Ronald M. Bundy, P.E.  
I Technology Park  
BLDG J-725  
Irvine, CA 92618  
  
Phone: (949) 753-8111      Fax: (949) 753-0775
3. Project Name: Biola University – Bank Stabilization
4. Project Location: La Mirada, Los Angeles County  
  
Longitude: 118° 00' 48"; Latitude: 33° 54' 15"  
Longitude: 118° 00' 43"; Latitude: 33° 54' 25"
5. Type of Project: Bank stabilization
6. Project Description: *Purpose:*  
The purpose of this project is to prevent further erosion of the embankment along La Mirada Creek on the southeastern boundary of Biola University.  
  
*Description:*  
The streambank along La Mirada Creek on the western boundary of La Mirada Boulevard has been severely scoured and in order to ensure the road is not compromised, the banks of the creek will be stabilized. Sediments at the base of the creek will be removed to insure a firm base. The creek will then be backfilled with ¾" gravel on sub-grade. Gabions will then be installed at the base of the eroded slope and filled in with pea gravels. The area will then be covered with a filter-fabric. An area approximately 0.027 acres will be temporarily impacted during stabilization activities.
7. Federal U.S. Army Corps of Engineers

## ATTACHMENT A

### Project Information

File No. **04-139**

- |   |  |
|---|--|
| Agency/Permit:  | NWP No. 39 (Permit No. 2004-00375-1-KW)  |
| 8. Other Required<br>Regulatory Approvals:                                    | California Department of Fish and Game<br>Streambed Alteration Agreement<br>(R5-2003-0023)   |
| 9. California<br>Environmental Quality<br>Act Compliance:                     | The City of La Mirada prepared a Mitigated Negative Declaration<br>for the project on December 23, 2003.   |
| 10. Receiving Water:  | La Mirada Creek, tributary to San Gabriel River<br>(Hydrologic Unit No. 405.15)  |
| 11. Designated Beneficial<br>Uses:  | MUN*, IND, PROC, GWR, REC-1, REC-2, WARM, WILD,<br>RARE<br><br>*Conditional beneficial use   |
| 12. Impacted Waters of the<br>United States:                                  | Non-wetland waters (streambed): 0.027 temporary acres  |
| 13. Dredge Volume:  | 50 cubic yards (streambed removed; replaced with gravel)   |
| 14. Related Projects<br>Implemented/to be<br>Implemented by the<br>Applicant: | In December 2003, Biola University submitted an application to<br>install a replacement 24" storm drain pipe discharging into La<br>Mirada Creek at the same location. A separate Certification was<br>issued and the work has already been completed. |
| 15. Avoidance/  | The Applicant has proposed to implement several Best   |

## **ATTACHMENT A**

### **Project Information**

**File No. 04-139**

#### **Minimization Activities:**

Management Practices, including, but not limited to, the following:

- Stabilizing denuded areas as soon as possible with seeding, mulching, or other effective methods;
- Minimizing use of equipment in the streambed;
- Protecting adjacent properties with landscaped buffer strips, sediment barriers, or other effective methods;
- Delineating clearing limits, easements, setbacks, sensitive areas, vegetation, and drainage courses by marking them in the field;
- Stabilizing and preventing erosion from temporary conveyance channels and outlets;
- Using sediment controls and filtration to remove sediment from water generated by dewatering or collected on site during construction;
- Scheduling construction during the dry season if possible;
- Designating specific areas of the site, away from streams or storm drain inlets, for storage, preparation, and disposal of building materials, chemical products, and wastes;
- Storing stockpiled materials and wastes under a roof of plastic sheeting;
- Storing containers of paint, chemicals, solvents, and other hazardous materials stored in containers of paint, chemicals, solvents, and other hazardous materials stored in containers under cover during rainy periods;
- Berming around storage areas to prevent contact with runoff;
- Covering open dumpsters securely with plastic sheeting, a tarp, or other cover during rainy periods; and
- Designating specific areas of the site, away from streams and

## ATTACHMENT A

### Project Information

File No. **04-139**

storm drain inlets, for auto and equipment parking and for routine vehicle and equipment maintenance.

16. Proposed  
Compensatory  
Mitigation:

The Applicant has proposed to restore and/or enhance 0.027 acres of streambed (1:1 ratio) on-site. The restoration shall include revegetation with native species and the removal of exotic or invasive vegetation.

*See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.*

## ATTACHMENT B

### Conditions of Certification File No. 04-139

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.

## ATTACHMENT B

### Conditions of Certification File No. 04-139

4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain **a five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
9. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
10. All project activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.



## ATTACHMENT B

### Conditions of Certification File No. 04-139

11. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
12. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
13. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.027 acres** waters of the United States by creating or restoring riparian habitat at a minimum 1:1 area replacement ratio (0.027 acres). The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
14. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
15. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project activities performed during the previous year and all restoration and mitigation efforts;

## **ATTACHMENT B**

### **Conditions of Certification File No. 04-139**

including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:

- (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
- (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
- (c) The overall status of project including a detailed schedule of work;
- (d) Copies of all permits revised as required in Additional Condition 1;
- (e) Water quality monitoring results (as required) compiled in an easy to interpret format;
- (f) A certified Statement of “no net loss” of wetlands associated with this project;
- (g) Discussion of any monitoring activities and exotic plant control efforts; and
- (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.

16. All applications, reports, or information submitted to the Regional Board shall be signed:

- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
- (b) For a partnership, by a general partner.
- (c) For a sole proprietorship, by the proprietor.
- (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

17. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true,

## ATTACHMENT B

### Conditions of Certification File No. 04-139

accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)  
(Title)"

18. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **04-139**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
19. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
20. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
21. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
22. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
23. *Enforcement:*
  - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies,

## ATTACHMENT B

### Conditions of Certification File No. 04-139

penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.

- (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
24. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.